

AMERICAN LAND DEVELOPMENT	:	Order Denying Reconsideration
CORP.,	:	
	:	
Appellant	:	
	:	
v.	:	Docket No. IBIA 94-2-A
ACTING PHOENIX AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	February 28, 1994

This appeal was dismissed as untimely on January 12, 1994. 25 IBIA 120. Appellant now seeks reconsideration and, in so doing, objects to nearly every statement made and conclusion reached in the Board's decision. The Board has reviewed appellant's petition but finds nothing that persuades it that its initial decision should be altered.

Appellant, or more particularly, appellant's attorney, is understandably chagrined at the dismissal. Failure to perfect an appeal is a serious matter for an attorney, and the Board sympathizes with him. Nevertheless, the Board's sympathy for counsel's predicament cannot overcome the explicit requirement in 43 CFR 4.332(a) that an untimely appeal be dismissed for lack of jurisdiction. Nor can it allow the Board to disregard the other interests at stake in this matter, most particularly those of the Fort Mojave Tribe, whose lease to appellant was the subject of appellant's attempted appeal. When no appeal was timely filed from cancellation of the lease, the cancellation became final, and the Tribe acquired the right to make other plans for the productive use of its land.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, appellant's petition for reconsideration is denied.

Anita Vogt
Administrative Judge

Kathryn A. Lynn
Chief Administrative Judge